

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAMAR M. HAUPT and	:	HON. MARY A. McLAUGHLIN
CAROL M. HAUPT,	:	
Plaintiffs,	:	
	:	CIVIL ACTION NO. 02CV2717
v.	:	
	:	
THE GOODYEAR TIRE & RUBBER	:	
COMPANY,	:	
Defendant.	:	

**ANSWER WITH AFFIRMATIVE DEFENSES**  
**OF DEFENDANT, THE GOODYEAR TIRE & RUBBER COMPANY**

Defendant, The Goodyear Tire & Rubber Company, hereby responds to the Complaint of Plaintiffs, and in support thereof avers as follows:

1 – 2. After reasonable investigation, answering Defendant is without information or knowledge sufficient to form a belief as to the truth of the averments in paragraphs 1-2 of Plaintiffs' Complaint; hence, the averments are denied.

3. Admitted.

4. The averments in paragraph 4 of Plaintiffs' Complaint are conclusions of law to which no responsive pleading is required. To the extent a response is required, the averments are denied.

5-7. After reasonable investigation, answering Defendant is without information or knowledge sufficient to form a belief as to the truth of the averments in paragraphs 5-7 of Plaintiffs' Complaint; hence, the averments are denied.

8. Admitted in part and denied in part. Admitted that as of July 20, 2000 that Henry Thomas was employed by the Goodyear Tire &

Rubber Company. After reasonable investigation, answering Defendant is without information or knowledge sufficient to form a belief as to the truth of Plaintiffs' averment that Mr. Thomas was acting within the course and scope of his employment at the time; hence, this averment is denied.

9-11. Denied.

12. The averments in paragraph 12 of Plaintiffs' Complaint are conclusions of law to which no responsive pleading is required. To the extent a response may be required, the averments are denied.

13. Denied.

WHEREFORE, Defendant, The Goodyear Tire & Rubber Company, demands judgment in its favor.

#### **FIRST DEFENSE**

Plaintiffs' Complaint fails to state a claim upon which relief may be granted.

#### **SECOND DEFENSE**

If Plaintiffs have suffered damages as alleged, which is denied, then Plaintiffs damages were caused by Plaintiffs' failure to exercise reasonable care under the circumstances, and their claims are entirely barred or reduced by the applicable comparative negligence statute.

#### **THIRD DEFENSE**

Plaintiffs' claims are barred by the applicable statute of limitations.

**FOURTH DEFENSE**

If Plaintiffs have suffered damages as alleged, which is denied, then Plaintiffs assumed the risk of such damages and their claims are entirely barred.

**FIFTH DEFENSE**

If Plaintiffs have suffered damages as alleged, which is denied, then the damages were caused and/or contributed to by the acts and/or omissions of others over whom Answering Defendant had no control and for whose acts it may not be held responsible.

**SIXTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs lack standing to bring the present action under the applicable law.

**SEVENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because the conduct of Plaintiffs caused the accident in question.

**EIGHTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs were negligent *per se* in the operation of their motor vehicle.

**NINTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because their injuries do not consist of significant and permanent losses of important bodily functions such that they may bring the present action under the applicable law.

**TENTH DEFENSE**

Plaintiffs' claims in the United States District Court for the Eastern District of Pennsylvania are barred, in whole or in part, or must be transferred to a United States District Court within the State of Florida, pursuant to the doctrine of *forum non conveniens*. 28 U.S.C.A. §1404 (a).

WHEREFORE, Defendant, The Goodyear Tire & Rubber Company, demands judgment in its favor.

By: \_\_\_\_\_  
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